REMARKS

Claims 28-31 currently appear in this application. The Office Action of August 14, 2002, has been carefully studied. These claims define novel and unobvious subject matter under Sections 102 and 103 of 35 U.S.C., and therefore should be allowed. Applicants respectfully request favorable reconsideration, entry of the present amendment, and formal allowance of the claims.

Claims 2, 4-7 and 9-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Komoto et al.

This rejection is respectfully traversed. The present invention provides a light emitting diode in which a dam is provided on the top surface of the base and surrounding periphery of a fluorescent material containing layer. This dam ensures that the fluorescent material containing layer is of a predetermined thickness. Support for this limitation can be found in the specification as filed at page 16, lines 12-20.

According to this construction of the present invention, the periphery of the fluorescent material containing layer is surrounded by the dam, so that the fluorescent material containing layer is of a predetermined thickness. Therefore, when the fluorescent containing material layer is formed on the base, the dam

prevents the fluorescent material containing layer from flowing away. This ensure that the fluorescent material containing layer is of a predetermined thickness, and additionally secures a uniform thickness under the entire bottom surface of the light emitting diode.

The feature of a dam provided on the top surface of a base and surrounding a periphery of a fluorescent material containing layer is neither disclosed nor suggested in Komoto et al.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Komoto et al. The Examiner concedes that Komoto et al., do not disclose that the fluorescent material is an yttrium compound, but states that this is merely a matter of design choice.

This rejection is respectfully traversed. The presently claimed invention provides for a structure in which the periphery of the fluorescent material containing layer is surrounded by a dam. This concept is neither taught nor suggested by Komoto et al. therefore, the material of which the fluorescent material is made is immaterial.

In view of the above, it is respectfully submitted that the claims are now in condition for allowance, and favorable action thereon is earnestly

solicited.

Respectfully submitted,

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